HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
Dated 18th October, 2006
IIIrd Bail Application No. 930 of 2006
Order on the bail application of the accused.

CRIMINAL SIDE

Rajveer Singh Rana
S/o Chanan Singh Rana
R/o 30 Engineers Enclave GMS Road
Police Station Vasant Vihar
District – Dehradun ……... Applicant

Versus

State of Uttaranchal ……..Opposite Party

In Case Crime No. 3 of 2006
U/s 392, 411 I.P.C.
Police Station – Vasant Vihar
District – Dehradun

Hon'ble J.C.S. Rawat, J.

Heard Sri K.S. Verma, learned counsel for the accused-applicant; Sri R.S. Rautela, learned A.G.A. for the State and perused the record.

I have gone through the entire record available to me. This is the 3rd bail application The 1st bail application was rejected for want of prosecution. The 2nd Bail Application was rejected on merit on 22.06.2006. The prosecution case is that the accused/applicant is involved in bank dacoity held in Oriental Bank of Commerce, Dehradun on 5th January, 2006 at about 10:25 a.m. The accused/applicant was apprehended having an amount of Rs. 23,000/- which was the subject matter of the bank dacoity. The accused/applicant was identified by two persons with some doubts. The 2nd Bail Application was moved on the ground that the charges were framed on 13.04.2006 by the learned Magistrate and thereafter only three witnesses had been recorded by the learned Magistrate. The accused/applicant moved the application u/s 437 (6) of the Criminal Procedure Code alleging therein that the prosecution had not completed the evidence within 60 days' after the framing of the charges in the case. The bail application was rejected by the learned Magistrate as well as by the learned Sessions judge.

It was contended by the learned counsel for the accused/applicant that the accused/applicant is entitled to be released on bail as the evidence has

not been concluded after the framing of the charge within a period of 60 days' as provided under sub-section (6) of Section 437 of the Cr.P.C. The learned A.G.A. refuted the contention and contended that the said Section had an exception in which it has been provided in the Section itself if the Magistrate had recorded the reasons in writing or the Magistrate directs otherwise, the general principle would not be applicable. It is true that the trial has not concluded within a period of 60 days from the date of the framing of the charge.

I have an opportunity to see the certified copy of the ordersheet which is available with the counsel for the applicant. Perusal of the ordersheet clearly reveals that the prosecution had moved application for the adjournment and the said application was allowed being found the ground sufficient. At two and three occasions, the Presiding Officer was not holding Court and he was on leave. The Magistrate had in writing allowed the application, as such, the said reason as provided under Section 437(6) had been recorded by the Magistrate. So, the contention of the learned counsel for the accused/applicant is devoid of merit.

In view of the above, I do not find any fresh ground in the 3rd Bail Application. The 3rd bail application is rejected.

Accordingly, the 3rd bail application is rejected.

(J.C.S. Rawat, J.)

Dated 18.10.2006
Shiv